

ORIGINAL**COMPLAINT****United States District Court****Eastern District of New York**

Magaly E. Heriveaux (Plaintiff)

180 East 32nd Street

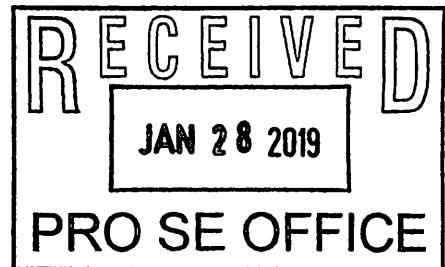
Brooklyn, N.Y. 11226

Vs.

Federal Government (Defendant)

935 Pennsylvania Ave., NW

Washington, D.C. 20535

**VITALIANO, J.**

Affidavit/Affirmation

CV

MISC 19-279**State of New York**Plaintiff, Magaly E. Heriveaux, resides at: 180 East 32nd St., Brooklyn, N.Y 11226

Defendant, The Federal Government, located at: 935 Pennsylvania Ave. NW, Washington, D.C. 20535

1. I, Magaly E. Heriveaux, Magaly E. Heriveaux, attest under penalty of perjury, I am a U.S. Born Citizen and was born and raised in Brooklyn, New York. I also attest that I have made all efforts to address my concerns to various law enforcement bodies and am in dire need of punitive actions, arrests, incarcerations, sequesters, terminations, suspensions, or hefty fines, as a means to correct these defendants, since they refuse to willingly desist in engaging in Civil, Criminal, and Federal violations, and This motion is to also certifies that I have never been arrested in my entire life, in any jurisdictions, and have made all efforts to engage in conducts which are within the constraints of the law.

I also affirm that I filed a **new** motion at the **Brooklyn Federal Court** on **Monday, January 28, 2019**, against the Federal Government and seek an equitable relief, for inducing duress, violating my Civil Rights, and engaging in security breaches, as well as, violation of public trust.

2. The jurisdiction of the Court is invoked to _____.

3. I duly attest that I, Magaly E. Heriveaux am: a victim of circumstances that are **against my will** regarding several representatives, who assert that they are predominately non-NYS Federal Workers, of various backgrounds.

Presently, I am contending with representatives who keep on harassing me about the current White House Administration, and have also resorted to death threats towards me regarding prominent leaders. Some have made allegations that they've obtained pre-authorizations for my Capital Punishment, from this current Administration, which has been concealed from a majority of the members in Congress. There also have been threats regarding my former employer from **eleven (11) years ago**, with my resignation being **October 2007**; although I've only worked for this agency for **four (4) months in Michigan State**. Due to these bizarre allegations, there were additional threats to expedite my murder if I verbalized or documented this specific allegation, regarding pre-authorization, to engage in my death.

As a result, several have threatened to **murder** me from their restricted locality to avoid drawing attention with any **formal** proceedings. Several have also reiterated that this approach is preferable because they have admitted that several representatives were willing to engage in **criminal liable** and **perjury**, to ensure that I am falsely arrested and incarcerated. If this occurs, these wrongdoers can get up to twenty-five years, without adding the complexity of their location. **Perjury** or **lying** to a Federal worker is punishable up to **five (5) years**, and having someone falsely **incarcerated**, is punishable up to **twenty (20) years**, with **criminal liable** and the **false arrest** being the precursor.

To make matters worse, some have engaged in solicitation of **Federal Workers** and **New York City** level workers (e.g. **NYPD, HRA, DOHMH, City level practitioners, ect...**), as well as, abet them or make attempts to circumvent the system; as a means to secure my arrest; by excessive and illegal means. When I am dealing with obstructions of health care treatment, seeking employment, social services, or any other means to empower myself, the phrase that is often said to City level staff or patrons, to outwit them into assisting them is: **"Don't worry nothing will happen to you."** As a result, some are fearful, that I will be wrongfully killed by one of the workers in the restricted area,

and some other Servicemen on foot, will be directed to cover up my wrongful death and make it look like a mental health mishap or even make my untimely demise appear medical-related.

Individuals such as James Comey, former FBI Director, Michael Wolff, Author, Omorasa Manigault, former White House Staff, Sean Spicer, former Press Secretary, have openly taken actions with their publications to demonstrate they are against the current administration; yet there has never been any reports about anyone threatening to *murder* them for taking such bold actions. Likewise, Stormy Daniels have made repeated allegations regarding a tryst with a high profile administration staff, which involved media and much controversy, yet there were never any reports about any death threats geared towards this individual either. All chose to exercise their First Amendment rights against the current U.S. Administration, in these various ways, and were not threatened with their lives or the lives of their family or friends because of their stance.

I, Magaly E Heriveaux, Magaly Heriveaux, the plaintiff, have not engaged in any of the following activities towards any members of this current U.S. Administration, which were mentioned above. I have diligently made all efforts to pursue activities, within the constraints of the law, which does not draw any attention to myself nor do anything which is deemed as a threat towards high-ranking public officials, who are politicians, regardless of their locality. I have never filed any court petitions against any politicians, never engaged in any unscrupulous business dealings or corrupt activities with them, engaged nor accuse any of them of any trysts, never provided any false testimony against them, never encouraged any dubious interactions, which involves bribery or blackmail, or anything else which would compromise my legal standing, which would result in an arrest, or the legal standing of any other politicians; regardless the political persuasion.

There has also been historic Governmental Shutdown, which resulted in the frustration of multiple Federal staff, some were even reportedly, Secret Service. Although I may not be knowledgeable of all of the details of what triggered the shutdown in regards to Security vs. Fiduciary or the justification to prolong the Shutdown, such as reported success from other countries, the repercussions of the Shutdowns should not plague Federal staff such as postal workers, TSA workers, or those who provide humanitarian aid. If any type of staff should suffer the consequences of the shutdown, it should be those who repeatedly break the law, abet or solicit their fellow counterparts to break the law, engage in any form of cruelty towards others, in addition to, violating the Civil Rights of others, like the ones which were already reported in the beginning of this document. Likewise to what I have mentioned, there have been multiple class action lawsuits which have emerged surrounding Temporary Protective Status (TPS), from different agencies and states. These collaborative groups, who have engaged in their Freedom for Assembly, have not reported that anyone has threatened to *murder* them for *protesting* or *filings petitions*. Therefore, I should not be riddled with repeated death threats geared towards me, my natural mother, who is a senior citizen, other family members, church members, or loved ones in the community, who are vulnerable and under-aged; if I choose to file a court petition against a Federal Bureau and not even any high-profile politicians. Some went as far as to threaten to do harm to my widowed mother and then threatened to place the blame on me in such a way, that I would be criminalized for such an unwanted outcome, although they made chilling threats, which surpassed life and limb. This was the case of *Debra Milke*, who served at least 25 years in prison, based on the false testimony of one person, who was later exonerated after her conviction was eventually overturned. There were even threats geared towards me about an impressionable female teen, who is loved by the community. It is uncertain if it is to the extent of former convict, *Alton Coleman*, who was executed for his wrongs towards the wide age-range of female victims; however, their stance is discomfiting enough to report in this legal document. The most recent threat regarding my elder parent and this pleasant, peace-loving youth was today, Monday, January 19, 2019.

This current Administration, demonstrated a willingness to lower recidivism or reduce the likelihood for first time offenses, by passing a decriminalization bill, which received much bi-partisan support. Nevertheless, several of these wrongdoers still insist on misusing the name of several high-ranking politicians, and have engaged in misrepresentation; which has created much conflict and confusion; particularly with such serious and disturbing allegations about my legal standing and safety. To compound the issue are some of the wrongdoers willingness to openly engage in obstructions, dissension, inducement, threats, and clearly inducement of financial hardship; which makes it easier for them to target me, since monies are needed for MTA travels to keep medical appointments, file court petitions, job interviews, post office, and other activities that are necessary to financially emancipate myself. One of the most infuriating obstructions took place when I attempted to fax several letters to former supervisors and professors requesting for references to apply for higher learning. My most recent deadline is **Friday, February 1, 2019**, for **Yeshiva University**. Several of the representatives have previously expressed that they did not want me to apply to this University, since they believe the student body is predominately Jewish. As a Sabbath-keeper myself

(Seventh- Day Adventist), I found these attempts to obstruct me highly infuriating and offensive. There have also been negative comments geared to me about Sunday faith-based groups too, which has been very persistent (e.g. Lutheran).

I complained to the 67th Precinct on Friday, January 25, 2019, regarding the obstructions that I was experiencing with my references, employment, schooling, and benefits, although I am doing everything to the best of my ability, within the constraints of the law. Likewise, when I went to Times Square during the evening of Saturday, January 26, 2019, one of the representatives shouted to the Police force in the area, "*You still have lots of enemies up here. Nothing has changed. If anyone says anything negative about her, than that means they are lying to you about her.*" Unorthodox efforts and methods of cruel and unusual punishments are reportedly being made to criminalize me; which also includes the following allegations of: Unconstitutional Contracts to strip me of my Civil Liberties and Inalienable Rights, Manipulation of High-Engineering Technologies (e.g. data mining, ect...). Some have also alleged that there was a predetermined decision that I should be the sole person arrested to cover for the wrongdoings of some of these various representatives. A few have made monetary matters a highlight to harass me about to the extent that even earning "*blood money*," would be an acceptable reason to take matters into their own hands, since some of these representatives DO NOT care about the law in this instance or in any other situation. I have made due diligence and informed them about some of the various statutes, which could result in their arrest and possibly include sentencing that is punishable up to death, according to Federal guidelines. As a result, some of them retaliated this morning, Monday, January 28, 2019, and made threats against me and stated they would create a situation to make me look like I committed one of these heinous crimes, although I have never been involved in a physical altercation, in my entire life, nor have promoted any form of violence (e.g. joining hate groups, defaming Temples, ect...) against any groups, nor have I ever owned any form of weaponry.

These are some of the various violations listed below that I found on the internet, which would pertain to any representatives, should they go beyond the point of *life and limb*, towards me, or anyone other unarmed, vulnerable, free citizen.

FEDERAL OFFENSES LEADING TO CAPITAL CONSEQUENCES

18 U.S.C. 1512- Murder with the intent of preventing testimony by a witness, victim, or informant

18 U.S.C. 1513- Retaliatory murder of a witness, victim, or informant

18 U.S.C 1958-Murder for hire

18 U.S.C.-2340a-Murder involving torture

18 U.S.C. 1111- First Degree Murder

18 U.S.C. 241, 242, 245, 247-Civil rights offenses resulting in death

*18 U.S.C-2381-Treason (or minimum 5years depending the repercussions).

***SPECIAL CONSIDERATION THAT MAY STILL LEAD TO CAPITAL**

Those who were accomplices, and did not directly murder the victim.

Those who contracted to have the victim murdered to avoid directly engaging in homicide.

Federal Death Penalty Statutes – Overview

Federal law provides for the sentence of death when a wide variety of crimes have been committed. There are 41 of these type of Offenses listed in total. Under federal law, you can be executed without having yourself killing anyone. In federal death penalty cases, the defense must have two attorneys, and one of them must be death-penalty qualified. After guilt has been adjudicated, there is a separate trial to determine first if capital punishment is legally an option; thereafter, evidence is presented on the aggravating factors and the mitigating factors. Mitigating circumstances need only be proven by a preponderance of the evidence; however, the prosecution must establish its aggravating circumstances beyond a reasonable doubt. The federal death penalty jury cannot sentence a defendant to death unless the vote is unanimous.

Mitigating Factors In Federal Death Penalty Cases

- (1) *Impaired capacity*- The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.
- (2) *Duress*- The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.
- (3) *Minor participation*- The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.
- (4) *Equally culpable defendants*- Another defendant or defendants, equally culpable in the crime, will not be punished by death.
- (5) *No prior criminal record*- The defendant did not have a significant prior history of other criminal conduct.
- (6) *Disturbance*-The defendant committed the offense under severe mental or emotional disturbance.
- (7) *Victim's consent*- The victim consented to the criminal conduct that resulted in the victim's death.
- (8) *Other factors*- Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

Aggravating Factors in Death Penalty Cases

Federal law defines different aggravating factors depending upon the crime involved: treason, for example, has a different set of aggravating factors than homicide or a drug conviction. The aggravating factors in federal capital punishment cases are as follows:

Aggravating Factors for Espionage and Treason.

In determining whether a sentence of death is justified for an offense described in section 3591 (a)(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

- (1) *Grave risk to national security* — In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.
- (2) *Grave risk of death* — In the commission of the offense the defendant knowingly created a grave risk of death to another person.

Aggravating Factors for Homicide.

In determining whether a sentence of death is justified for an offense described in section 3591 (a)(2), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

- (1) *Death during commission of another crime*-The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32
- (2) *Grave risk of death to additional persons*-The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.
- (3) *Heinous, cruel, or depraved manner of committing offense*-The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

(4) *Procurement of offense by payment*-The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

(5) *Pecuniary gain*-The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

(6) *Substantial planning and premeditation*-The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

(7) *Vulnerability of victim*-The victim was particularly vulnerable due to old age, youth, or infirmity.

High Public Officials

The defendant committed the offense against:

(A) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

(C) a foreign official listed in section 1116 (b)(3)(A), if the official is in the United States on official business; or

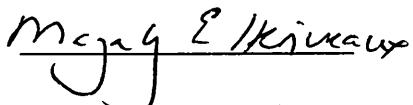
(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—
(i) while he or she is engaged in the performance of his or her official duties; (ii) because of the performance of his or her official duties; or
(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a "law enforcement officer" is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

Additional Considerations- U.S.C. 18 1716-Mailing of injurious articles with intent to kill or resulting in death.

I look to have this remedied in the format of:

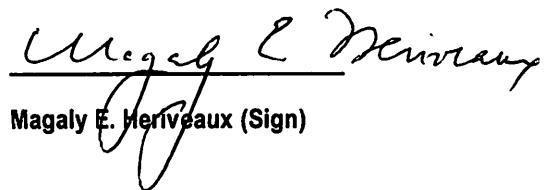
A. Terminations, without reinstatement, arrests, incarcerations, or hefty fines, for any/all Civil violations, discriminatory actions against me, which results in financial inducement, or more punitive actions for my physical harm, wrongful death or the physical harm or wrongful death of others; due to security breaches and violations of public trust.



Magaly E. Heriveaux (Print)

1-28-19

Month-Date-Year



Magaly E. Heriveaux (Sign)

1-28-19

Month-Date-Year

Notice of Motion

United States District Court

Eastern District of New York

Magaly E. Heriveaux (Plaintiff)

180 East 32nd Street

Brooklyn, N.Y. 11226

Vs.

Federal Government (Defendant)

935 Pennsylvania Ave., NW

Washington, D.C. 20535

Notice of Motion

____ CV ____

Docket Number _____ J.D. _____

State of New York

Please take notice that upon the annexed affidavit or affirmation of Magaly E. Heriveaux sworn upon the complaint herein, plaintiff will move this court, _____, U.S.D.J, in room _____, United States Courthouse, Brooklyn, N.Y. 11201, on the _____ day of _____, 20____, at _____ am/pm, for the order pursuant to rule _____ of the Federal Rules of Civil Procedure granting _____, within motion, as well as such other and further relief that may be just and proper.

I declare under penalty of perjury that the forgoing is true and correct.

Date: Kings, County

Magaly C. Heriveaux

Magaly E. Heriveaux (Print)

1-28-2019

Month-Day-Year

Notary Public

PIYUSH E. SONI
Notary Public, State of New York
No. 01SO0038647
Qualified in Kings County
Commission Expires March 20, 2022

Magaly C. Heriveaux

Magaly E. Heriveaux (Sign)

Plaintiff Pros

Affidavit In Support of Motion

United States District Court

Eastern District of New York

Magaly E. Heriveaux (Plaintiff)

180 East 32nd Street

Brooklyn, N.Y. 11226

Vs.

Federal Government (Defendant)

935 Pennsylvania Ave., NW

Washington, D.C. 20535

Affidavit/Affirmation

____ CV ____

State of New York

Magaly E. Heriveaux makes the following affirmation under the penalty of perjury.

I, Magaly E. Heriveaux the plaintiff above-entitled action, and respectfully move this court to issue an order to mandate for the defendant to acknowledge their lack of regard for the law, by making any restorative actions; regarding my efforts to empower myself. I also humbly request the court to mandate that the defendant redress any wrongs with necessary punitive actions, regarding the overall violation of my Civil Rights.

Magaly E. Heriveaux

Magaly E. Heriveaux (Print)

1-28-19

Month-Date-Year

Magaly E. Heriveaux

Magaly E. Heriveaux (Sign)

1-28-19

Month-Date-Year